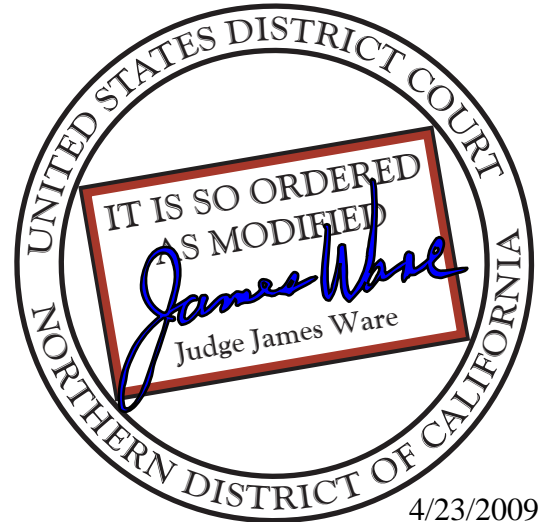


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15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION
19

20 MARK L. GRINGERI,

21 Plaintiff,

22 vs.

23 MERRILL LYNCH, PIERCE, FENNER &
24 SMITH, INCORPORATED,

25 Defendant.
26
27
28

CASE NO. C 08-03453 JW

STIPULATED REQUEST FOR ORDER
EXTENDING DISCOVERY AND
PRETRIAL DEADLINES AND
[PROPOSED] ORDER

(N.D. Cal. Civil Local Rules 6-1, 6-2 & 7-12)

Judge: The Honorable James Ware

1 WHEREAS, the Court's Order of November 6, 2008 provides that the close of all
2 discovery shall be on June 15, 2009;

3 WHEREAS, the deadline for initial expert witness disclosures was set for April 13,
4 2009, 63 days prior to the discovery cutoff date, and the deadline for rebuttal expert witness
5 disclosures was set for April 27, 2009, 49 days prior to the discovery cutoff date;

6 WHEREAS, due to time constraints and a scheduling oversight, Plaintiff was unable
7 to make expert disclosures and submit an expert witness report on April 13, 2009;

8 WHEREAS, the Court's Order of November 6, 2008 provides that the last date for
9 hearing dispositive motions shall be on August 17, 2009;

10 WHEREAS, the parties cannot schedule a hearing for dispositive motions during the
11 time period between July 13, 2009 through August 14, 2009, due to the Court's unavailability;

12 WHEREAS, due to scheduling constraints, the parties are unable to establish a motion
13 briefing schedule so that dispositive motions are heard by August 17, 2009;

14 WHEREAS, the parties have agreed, subject to the Court's approval, to extend the
15 expert witness disclosure deadline to May 11, 2009, the rebuttal expert witness disclosure
16 deadline to June 1, 2009, the discovery cutoff date to July 6, 2009, and the last day to hear
17 dispositive motions to August 31, 2009;

18 WHEREAS, the parties and the Court have not yet set a preliminary trial date;

19 IT IS HEREBY STIPULATED THAT

20 The deadline for initial expert witness disclosures, including expert witness reports,
21 shall be extended to May 11, 2009;

22 The deadline for rebuttal expert witness disclosures, including expert witness reports,
23 shall be extended to June 1, 2009;

24 The date for the close of all discovery shall be extended to July 6, 2009;

25 The last date for the hearing of dispositive motions shall be set for August 31, 2009.

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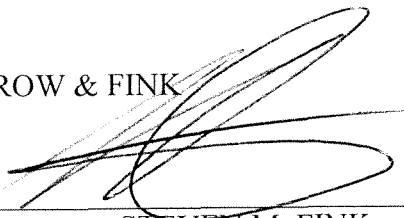
1 DATED: April 21, 2009

MUNGER, TOLLES & OLSON LLP

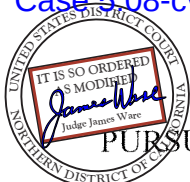
2 By: 
3 SORAYA C. KELLY

4 Attorneys for Defendant
5 MERRILL LYNCH, PIERCE, FENNER &
6 SMITH, INCORPORATED

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8 
9 By: STEVEN M. FINK

10 Attorneys for Plaintiff
11 MARK L. GRINGERI



PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline for initial expert witness disclosures, including expert witness reports, shall be extended to May 11, 2009. The deadline for rebuttal expert witness disclosures, including expert witness reports, shall be extended to June 1, 2009. The date for the close of all discovery shall be extended to July 6, 2009. The last date for the hearing of dispositive motions shall be set for September 14, 2009. The preliminary pretrial conference is continued from May 11, 2009 at 11:00 to June 8, 2009 at 11:00 AM. The parties are to file a joint pretrial statement by May 29, 2009.

DATED: April 23, 2009


HONORABLE JUDGE JAMES WARE

CERTIFICATION

I, Soraya C. Kelly, am the ECF User whose identification and password are being used to file this STIPULATED REQUEST FOR ORDER EXTENDING DISCOVERY AND PRETRIAL DEADLINES AND [PROPOSED] ORDER. In compliance with General Order 45.X.B., I hereby attest that Steven M. Fink concurred in this filing.